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The First Public Land Surveys in Indiana; Freeman's Lines

BY GEORGE R. WILSON, Civil Engineer.

The earliest land claims about Vincennes rested on a reputed grant by the Indians. According to a memorial to congress, filed by the inhabitants of Vincennes, the Indians of the Wabash, at a council in 1742, ceded to them all the land from Point Coupes to the mouth of White river. The record of the treaty long remained with the recorder of deeds at Vincennes, but at the beginning of the French and Indian War an absconding officer is said to have taken the deed away with him. The petitioners claimed that the Indians had often ratified this gift, afterward extending it forty leagues west and thirty leagues east of the Wabash. The congressional committee rejected the claim, on the ground that if there were such a grant, it had been made to the French government, and in time, had passed to the United States under the treaties of 1763 and 1783.¹

This claim was, in a measure, at least, recognized when the deed to the Wabash Land Company was made, for in that deed the land was excepted. The lines and corners of this grant are known as the "Freeman Lines and Corners."

The "Freeman Lines and Corners" have been subjects of a great deal of comment recently. They are lines run, and corners established by Thomas Freeman, a surveyor, in 1802-3, when Indiana was a territory. He surveyed a tract of land that was

¹ *American State Papers, Public Lands I*, 26; *Esarey's Indiana*, page 132.

"excepted" from a very large body of land which a company of men bought, or attempted to buy from the Indians in Illinois and Indiana. The "excepted" tract is known as the Vincennes Tract.

To understand the situation fully one must keep in mind that Vincennes is a very old city; that there were "land grabbers" in pioneer days; that Wild Cat creek empties into the Wabash river near Lafayette, Indiana; that Point Coupee is on the Wabash river about six miles south of Merom, in Sullivan county, Indiana; and that Wabash river was once written "Ouabache river."

Companies of men who promoted enterprises, settlements, etc., were formed in the East and operated in the Northwest Territory. Among them may be mentioned the "Illinois Land Company" and the "Wabash Land Company."

On March 21, 1775, Governor Dunmore, of Virginia, issued a proclamation ordering that all vacant land of His Majesty within the colony of Virginia, "be surveyed in districts and laid out in lots of from 100 to 1,000 acres, and put up at public sale."

In the year 1775, after the expedition of Lord Dunmore against the Shawnees, Louis Viviat, a merchant of the Illinois Country, commenced a negotiation with the Piankeshaw Indians for the purchase of two large districts of country lying upon the borders of the river Wabash. Viviat acted as agent of an association of individuals which was denominated the "Wabash Land Company;" and, at Post Vincennes, October 18, 1775, he obtained a deed from eleven Piankeshaw chiefs. The deed is a sample of pioneer conveyances, or treaties, is full of historical interest, a guide to land values, and a record of the business sagacity of the land grabbers.

The deed in full reads as follows:²

"To all people to whom these Presents shall come: Know ye, that we, Tabac, or Tobacco, Montour, La Grand Couette, Ouaouaijao, Tabac, junior, La Mouche Noire, or the Black Fly, Le Maringouin, or Mosquito, Le Petit Castor, or the Little Beaver, Kiesquibichias, Grelot, senior, and Grelot, junior, chiefs and sachems of the several tribes of Piankeshaw nation of Indians, and being, and effectually representing, all the several tribes of the Piankeshaw Indians, send greeting:

"Whereas Louis Viviat, of the Illinois country, merchant, one of the grantees hereinafter named, as well for himself, as on the parts and behalfs of the several other grantees herein also after named, did, at several conferences publicly held with us, the said chiefs and sachems, at the towns

² Dillon, *Historical Notes of the North-Western Territory*, 1843, pages 118 to 123.

and villages Post Saint Vincent and Vermillion, treat and confer for the purchase of certain tracts of land belonging and appertaining unto us, and to the several tribes of our nation, whom we represent:

"And whereas we, the said chiefs and sachems, have deliberately and maturely considered, for ourselves and our posterities, and consulted with the other natives of our several tribes, respecting the proposals made as aforesaid to us, the said chiefs and sachems, by the said Louis Viviat, on behalf of himself and others: And whereas we, the said chiefs and sachems, as well as all the other natives of the several tribes of our nation, are fully satisfied and contented, for the consideration hereinafter mentioned, to grant and confirm unto the said Louis Viviat, and to the other grantees hereinafter mentioned, the several quantities and tracts of lands hereinafter bounded and described.

"Now, know ye, therefore, that we, the said chiefs and sachems of the Piankeshaw nation aforesaid, in full and public council assembled, at the town or village of Post Saint Vincent aforesaid, for and in consideration of the sum of five shillings, to us in hand paid by the said Louis Viviat, and for and in consideration of the following goods and merchandise, to us, the said Tabac, or Tobacco, Montour, La Grand Couerte, Ououaïjao, Tabac, junior, La Mouche Noire, or the Black Fly, Le Maringouin, or Musquito, Le Petit Castor, or the Little Beaver, Kiesquibichias, Grelot, senior, and Grelot, junior, for the use of the several tribes of our nation, well and truly delivered in full council aforesaid, that is to say: "four hundred blankets, twenty-two pieces of stroud, two hundred and fifty shirts, twelve gross of star gartering, one hundred and twenty pieces of ribbon, twenty-four pounds of vermilion, eighteen pairs velvet laced housings, one piece of malton, fifty-two fusils, thirty-five dozen large buckhorn-handle knives, forty dozen couteau knives, five hundred pounds of brasskettles, ten thousand gunflints, six hundred pounds of gunpowder, two thousand pounds of lead, four hundred pounds of tobacco, forty bushels of salt, three thousand pounds of flour, three horses; also, the following quantities of silverware, viz: eleven very large armbands, forty wristbands, six wholemoons, six halfmoons, nine earwheels, forty-six large crosses, twenty-nine hairpipes, sixty pairs of earbobs, twenty dozen small crosses, twenty dozen nose crosses, and one hundred and ten dozen brooches, the receipt whereof we do hereby acknowledge, have granted, bargained, sold, aliened, released, enfeoffed, ratified, and fully confirmed, and by these Presents do grant, bargain, sell, alien, release, enfeoff, ratify, and fully confirm, unto the said Louis Viviat, the right honorable John, Earl of Dunmore, governor of the colony and dominion of Virginia; the honorable John Murray, son of the said earl, Moses Franks and Jacob Franks, of the city of London, in the kingdom of Great Britain, Esquires; Thomas Johnson, jr., Esquire, attorney at law, and John Davidson, merchant, both of the city of Annapolis, in the province of Maryland; William Russell, Esquire, Matthew Ridley, Robert Christie, sen., and Robert Christie, jr., of Baltimore town, in the said province of Maryland, merchants; Peter Campbell, of Piscataway, in Maryland, merchant; William Geddes, of Newtown Chester, in Maryland,

Esq., collector of His Majesty's customs; David Franks, merchant, and Moses Franks, attorney at law, both of the city of Philadelphia, in the province of Pennsylvania; William Murray, and Daniel Murray, of the Illinois Country, merchants; Nicholas St. Martin, and Joseph Page, of the same place, gentlemen; Francis Perthuis, late of Quebec city, in Canada, but now of Post St. Vincent aforesaid, gentlemen; their heirs and assigns, equally to be divided, or to his most sacred Majesty George the Third, by the grace of God, of Great Britain, France, and Ireland. King, Defender of the Faith, and so forth, his heirs and successors, for the use, benefit, and behoof of all the said several above named grantees, their heirs and assigns, in severalty as aforesaid; (by whichever of these tenures they may most legally hold the same;) the two several tracts or parcels of lands, hereinafter bounded and described, viz:

"One tract or parcel of land, situate, lying, and being on both sides of the Ouabache river, beginning at the mouth of a rivulet called Riviere du Chat, or Cat River, where it empties itself into the Ouabache river aforesaid, being about fifty-two leagues distant from the above Post St. Vincent aforesaid; thence down the Ouabache, by the several courses thereof, to a place called Point Coupee, (about twelve leagues above Post St. Vincent,) being forty leagues, or thereabouts, in length on the said river Ouabache, from the place of beginning, with forty leagues in width or breadth on the east side, and thirty leagues in breadth or width on the west side of the Ouabache river aforesaid; to be continued along from the place of beginning to Point Coupee aforesaid. And also one other tract or parcel of land, situated, lying, and being on both sides of the Ouabache river aforesaid, beginning from the mouth of White river, where it empties itself into the Ouabache river, (about twelve leagues below Post St. Vincent,) thence down the Ouabache river, by the several courses thereof, until it empties itself into the Ohio river, being from the said White river to the Ohio, fifty-three leagues in length, or thereabouts, be the same more or less, with forty leagues in width or breadth on the east side, and thirty leagues in width or breadth on the west side of the Ouabache river aforesaid; (the intermediate space of twenty-four leagues, or thereabouts, between Point Coupee and the mouth of the White river aforesaid, being reserved for the use of the inhabitants of Post St. Vincent aforesaid, with the same width or breadth on both sides of the Ouabache river, as is hereby granted in the two other several tracts of land above bounded and described,) the aforesaid two several tracts of land hereby bargained and sold, from the first place of beginning to the Ohio river, consisting together of Ninety-three leagues in length on the Ouabache river, and on both sides thereof inclusive, seventy leagues in width or breadth, and that during its whole course as aforementioned, exclusive of, and beside, the reservation of twenty-four leagues in length, and seventy leagues in width or breadth, for the inhabitants of Post St. Vincent, reserved as aforesaid. And the said chiefs and sachems, for themselves, and for the several other natives of their nation, whom they fully and effectually represent, and their and every of their posterities, do hereby guaranty, engage, promise, covenant, and agree, to and with the several

above-named grantees, their heirs, and assigns, and every of them, that they, the said several above named grantees, their heirs and assigns, and every of them, shall and may, at all time, for ever hereafter have and enjoy the full, free, and undisturbed navigation of the said Ouabache river, from its confluence with the Ohio to its source; as well as of all the other several rivers running through the lands hereby bargained and sold, any thing herein contained to the contrary, or supposed to be, in any wise, notwithstanding: And also all minerals, ores, trees, woods, underwoods, waters, watercourses, profits, commodities, advantages, rights, liberties, privileges, hereditaments, and appurtenances, whatsoever, to the said two several tracts of land belonging, or in any wise appertaining: And also the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof; and all the estate, right, title, interest, use, property, possession, claim, and demand of them, the said Tabac, or Tobacco, etc., chiefs and sachems aforesaid, and of all and every other person and persons whatsoever, of or belonging to the said Piankeshaw nation of Indians, of, into, and out of the premises, and every part and parcel thereof; to have and to hold the said two several tracts or parcels of land, and all and singular the said granted and bargained premises, with the appurtenances, unto the said Louis Viat, etc., their heirs or assigns, for ever, in severalty, or unto his majesty, his heirs, and successors, to and for the only use, benefit, and behoof of the said grantees, their heirs and assigns, for ever, as aforeaid.

"And the said Tabac, or Tobacco, etc., for themselves and for all the several tribes of their nation, and all and every other nation, or nations, tributaries, and dependents on the said Piankeshaw Indians, and their, and every of their, posterities, the said several tracts of land and premises, and every part and parcel thereof, against them the said several above-named chiefs and sachems, and the said Piankeshaw Indians, and their tributaries and dependents, and all and every of their posterities, unto all the severally above-named grantees, their heirs, and assigns, in severalty, or unto his said majesty, his heirs, and successors, to and for the only use, benefit, and behoof, of the said grantees, their heirs, and assigns, in severalty as aforesaid, shall and will warrant, and for ever defend, by these Presents."

This deed, which conveyed to the purchasers about 37,497,600 acres, was signed by the Indians, attested by a number of the inhabitants at Vincennes, and subsequently registered in the office of a notary public at Kaskaskia, Illinois. The commencement and progress of the Revolutionary War frustrated the schemes of the Wabash Land Company, and prevented it from planting English settlements in the territory to the possession of which they had acquired only an imperfect claim.

The agents of the company applied to the American Congress

for a confirmation of a part of the claim, in the years 1781, 1791, 1797, 1804 and 1810; but all of these applications were rejected.³

That part excepted by this Indian deed and admitted to have a French, or white title, has become known as the "Vincennes Tract." It contained about 1,600,000 acres. That part of it which was in Indiana had its northeast corner near Orleans. The north line of this old Indian land started at Point Coupee, on the Wabash river, about six miles below Merom, Indiana, and about 39 degrees north latitude. It ran at a right angle to the main trend of the Wabash river between Point Coupee and the mouth of White river. That is, it ran south 78 degrees east, passed near Odon, Indiana, and near Georgia, Indiana, and ended in Section 19, near Orleans, at what is locally known as "Freeman's Corner." (This north boundary line was so surveyed as to place the French settlement, at Carlisle, in Sullivan county, within the "Vincennes Tract.") Surveyor Thomas Freeman ran the lines of this "Vincennes Tract," in 1802-3, and placed a post at the corner not far from the center of Section 19. From this corner the line ran south 12 degrees west, 40 miles, through Orange, Crawford and Perry counties, to a point at a creek in Perry county about $7\frac{1}{2}$ miles due south of the southeast corner of Dubois county, and near Apalona, in Perry county. In going south 12 degrees west, 40 miles, the line ran nearly $12\frac{1}{2}$ miles west of a due south line.⁴ The south line ran from this point, through Perry, Spencer, Dubois, Pike and Gibson counties to the mouth of White river. It passed near the St. Meinrad Monastery. Freeman ran both lines from the river eastward. The east line he ran by going southward from the Orleans corner. He turned the Orleans corner at a right angle, (90 degrees) and passed through what is now Orleans, and between Paoli and Abydel, and near Eckerty, in Crawford county.

In making his survey he was required to cut out some of the underbrush, and in that way opened up forest paths, which, in some places, in time, became trails and finally public roads.

In the Indian treaty the standard of the measurement used was the league. A marine league, in England and America is 18,240 feet, or almost $3\frac{1}{2}$ miles. Perhaps a water measurement was used because the description was based on the Wabash river. The

³ Dillon's *History of Indiana*, 109; Wilson's *History of Dubois County*, Chapter 7.

⁴ Survey Record 5, page 17, State Auditor's Office.

common league of France was 2.422 miles, and since the treaty was between the French and Indians this measurement may have been employed. A land league is sometimes said to be three statute miles. It seems each country has its own length for a league, and frequently one league for water, another for land, and still another for mail routes, etc., so it appears very indefinite. A league is an itinerary unit not in much use now. It was once used in making treaties with water courses as boundaries, before surveys had been made.

This "Vincennes Tract" was 24 leagues wide, and 70 leagues long. Part of it was in Illinois. Twenty-four leagues along the meanderings of the Wabash proved to be 40 miles when run south 12 degrees west from the Orleans corner.

The American government did not recognize the title, as held by the French and the Wabash Land Company, as sufficient, and proceeded to recognize the claims of the Indians. The government proceeded to buy the land from the Indians direct, and the "Vincennes Tract" being the oldest settled part, was taken under consideration at an early date. Here is where Surveyor Freeman and the Orleans corner come in. The description of the "Vincennes Tract" is obtained through an "exception" made in the Indian treaty of October 18, 1775.⁵ Surveyor Freeman was called upon, in the summer and fall of 1802, to survey the "Vincennes Exception," which has since become known as the "Vincennes Tract."

In the survey the Freeman corner in Section 19 is shown to be 60 miles from the Wabash river, and in Freeman's day he wrote concerning the corner, "very rich level land, timber very large, black oak, hickory, sugar," etc.⁶ In making the survey many notations were made; for example, in the survey of the south line he says he started from the mouth of White river on Sunday. In his record of this survey he says that at 32 miles and 41 chains from the Wabash he crossed an Indian trail. The south line is 59 miles long.

To get a practical idea of what part of Indiana the "Vincennes Tract" embraced, take a large map of Indiana and draw a line from Point Coupee, on the Wabash river, to the Freeman Corner,

⁵ Dillon's *History of Indiana*, 105, 106, 107, 108 and 109.

⁶ Surveyor's book marked "Indiana," 28, State Auditor's Office; Plat Book No. 1, "Records of Surveys," State Auditor's Office, 120.

at Orleans. Then take a carpenter's square, place one blade at the mouth of White river, the other at Orleans, and the corner south of the line between Dubois and Crawford counties. Draw a line around the blades. That part within the lines thus defined represents the Vincennes Tract, which Surveyor Thomas Freeman was employed to survey.⁷

The Freeman Corner, near Orleans, is a corner of three Indian concessions. Extend a line from this corner to the county line between Ripley and Decatur counties and you have located an Indian treaty line. The land of the "Vincennes Tract," which Freeman surveyed, was acquired by the United States June 7, 1803; the land immediately east of the Freeman Corner, at Orleans, was acquired by the treaty of Grouseland, August 21, 1805, and the land immediately north of the Vincennes Tract was acquired by the treaty of Ft. Wayne, September 30, 1809. In making these Indian treaties General William Henry Harrison was the leading agent for the general government.⁸

After the "Vincennes Tract" had been acquired by the extinction of the Indian title, the land was subdivided by government surveyors. Their contracts usually ran by ranges—tracts six miles wide, running from the south side to the north side of the "Vincennes Tract." In their survey records they recorded the location of the Freeman lines, with reference to the last section corners, because these lines bounded their surveys.

On October 15, 1804, Tupper and Stone surveyed into sections that part of the "Vincennes Tract" which lies in the extreme east and around the Freeman Corner, and up to the meridian line. The sections just east of the "Vincennes Tract" and around the Freeman Corner were surveyed by Arthur Henri, June 1, 1806; the same surveyor laid out the sections north of the Freeman Corner under a contract dated November 10, 1810. Thus the sections just west of the meridian line, in the "Vincennes Tract," were the first to be surveyed. They were laid out about two years after the Freeman Corner was established.⁹ The second principal meridian line passed within a half mile of the Freeman Corner. In

⁷ *State Geologist's Report*, 1882; Esarey's *History of Indiana*, 345; Wilson's *History of Dubois County*, 88; Wilson's Wall Map of Dubois County; Records of Indian Treaty Lines; Miscellaneous Record No. 1, State Auditor's Office; Cockrum's *Pioneer History*, 242.

⁸ Cockrum's *History of Indiana*, 241.

⁹ *State Geologist's Report*, 1882.

the surveys made by these surveyors, the Freeman Corner was fairly well tied to the section lines and corners by recorded measurements. However, it is surprising that some stone monument was not put at the corner by the surveyors.

By a system of interpolation, without the use of solar instruments, and without ever being at the corner, my calculations indicate that the Freeman Corner, at Orleans, coincides with 86 degrees, 27.5 minutes west of Greenwich, England, and 38 degrees and 40.5 minutes north latitude.

From a standpoint of historical association the two Freeman Corners in Indiana deserve recognition, really more than state wide, because the other two corners are in Illinois.

The Freeman Corners in Indiana are excellent subjects for centennial markers, or monuments. The monument near Orleans might be constructed so as to face the three Indian concessions. On the side facing the southwest these words could appear :

“THIS INSCRIPTION FACES THE VINCENNES TRACT ACQUIRED FROM THE INDIANS BY TREATY, JUNE 7, 1803.”

On the side facing the southeast these words could appear :

“THIS INSCRIPTION FACES THE LAND ACQUIRED FROM THE INDIANS BY TREATY OF GROUSELAND, AUGUST 21, 1805.”

On the side facing the north these words could appear :

“THIS INSCRIPTION FACES THE LAND ACQUIRED FROM THE INDIANS BY TREATY OF FT. WAYNE, SEPTEMBER 30, 1809.”

The words “Freeman Corner” and any other inscription desired should also appear, to the end that the monument will, in a large measure, explain itself.

Arthur Henri, a government surveyor, also surveyed the Indian treaty line running from the Freeman Corner, near Orleans, to near Brookville. This is the north boundary of the Grouseland Purchase. It was surveyed in July and August, 1806. Surveyor Henri began at the Freeman Corner and ran a random line at north 65 degrees east, intending to strike the Greenville Indian treaty boundary line 50 miles from the mouth of the Kentucky

river. He struck the said Indian treaty line 15 miles and 77 chains too far south.

He then began at a point 50 miles north of the mouth of Ken-



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tucky river, (near Brookville, Indiana), and ran back to the Freeman Corner, which he missed by running south. From this second line he corrected back to the Fort Recovery line running at north about 57 degrees east.

The distance from the Freeman Corner to a point 50 miles

north of the Ohio river on the Fort Recovery line is 89 miles and 45.5 chains. The course from the Freeman Corner was north about 57 degrees east, at the time of Henri's survey, 1806. At the time this survey was made the magnetic variation at the Freeman Corner was 6 degrees and 25 minutes east.¹⁰

The west line of Dearborn county is the Greenville treaty line. It was surveyed in 1798 by Israel Ludlow.

It ran from the mouth of the Kentucky river to Fort Recovery, Ohio, about 15 miles east of Portland, Ind. The Grouseland treaty line ran from the Freeman Corner, in Orange county, to a point on the Greenville treaty line, near Brookville. The line between Decatur and Ripley counties is the Grouseland treaty line, surveyed by Arthur Henri. The northeast Freeman Corner is 57 miles east of Vincennes. The court house at Vincennes is about 38 degrees and 41 minutes north latitude.¹¹

The southeast Freeman Corner of the "Vincennes Tract" is in a creek in Perry county, and at a place almost inaccessible by ordinary means of travel. It is south of the northeast corner of the southeast quarter of section 25, township 4 south, of range 3 west, on the line between ranges 2 and 3. It is on the lands of Thomas J. Lanman and John B. Jones.¹²

The record Freeman left of his survey is not altogether dry reading to students of pioneer conditions in Indiana. His record begins :

"Crossed the Wabash July 21st (1802), and proceeded from Vincennes with my little party for Point Coupee; arrived next day, 12 o'clock, very weak and unwell, Sunday (July 22, 1802), determined the width of river and took courses, etc."

His record describes the land, timber, streams, etc., in units of one mile. Line trees were marked and recorded, but in this his records are not so complete as one would wish. He paid more attention to topography than he appears to have done to witness trees. He writes of "handsome prairies," "wavy land," "scrubby pieces of woods," "bushy barrens," "tough, wet, clay soil," etc.

In 1802 he found a coal mine, on the south line, at thirty-seven

¹⁰ Miscellaneous Record—Indiana, 55 to 67, State Auditor's Office.

¹¹ Dillon's *History of Indiana*, 419; Esarey's *History of Indiana*, 132, 340 and 342.

¹² Minto's Map of Perry County, 1894.

miles from the mouth of White river, near the corner of Pike, War-
rick and Dubois counties.

Freeman's record shows that he started to run the northeast line February 8, 1803, but "lay bye" until February 14, 1803, on account of bad weather. At six miles from Point Coupee he found a "crab orchard;" at thirty-eight miles he found an Indian trail; at forty-two miles he found mineral springs (perhaps Trinity Springs).

When he ran south 12 degrees west, on the east line he found the bed of a dry creek at eight miles. Twelve miles from the Orleans corner he records the "Trace to Cincinnati," and at fourteen miles he was on the "side of hill, above Louisville Trace, (i. e., "Buffalo Trace") and a few paces from a large cave."¹³ On Saturday, September 17, 1803, he began the survey of the settlement around Carlisle, in Sullivan county. Freeman was employed nearly two years in this survey.¹⁴

Another interesting side light on the "Vincennes Tract" is found in the survey of the old "Buffalo Trace" from it to "Clark's Grant."

The "Clark's Grant" land survey bears date of 1785. There is a treaty line running south 73 degrees and 30 minutes east from a point on the east line of the "Vincennes Tract" to the west line of the "Clark's Grant," a distance of 40 miles and 42 chains. This line was surveyed by William Rector. The land south and west of this line was bought of the Indians by treaties dated at Vincennes, August 18 and 27, 1804. The line above referred to is practically the old "Vincennes" or "Buffalo Trace." Its various courses and distances were surveyed, July 11, 1805, by William Rector.¹⁵ Trees along this line were marked, "To C. G. 2 mi.," "To C. G. 33 mi.," etc., meaning the distance the particular tree was from "Clark's Grant." The survey began from "Clark's Grant" and went a general northwest course to the east line of the Freeman survey. The survey noted the locations of cabins, springs, etc., along the trace.¹⁶ At 43 miles and 7 chains from "Clark's Grant," Surveyor Rector records a "whetstone cave." The meanderings of the "Buffalo Trace" make the distance 43 miles and 28 chains. At the end of the survey, and on the east line of the "Vincennes Tract," Surveyor Rector marked a beech tree 12

¹³ Miscellaneous Record—Indiana, 29.

¹⁴ Miscellaneous Record—Indiana, 33. See Rector's mention of a "whetstone cave."

¹⁵ Miscellaneous Record—Indiana, page 37, State Auditor's Office.

¹⁶ Miscellaneous Record—Indiana, 39.

inches in diameter, "To C. G. 43 miles and 28 chains." He completed the survey, July 16, 1805. The magnetic variation at that time was 5 degrees and 15 minutes east.¹⁷ This old line is now recognized as the old New Albany and Paoli pike.

In those days land was not valuable, and the surveys were not made with the same care as surveys are made today, yet the work done by the old surveyors, like Freeman, Henri, Rector, Buckingham, Sanford and others, served a noble purpose in the development of Indiana.

On October 27, 1795, a treaty was made between the United States and Spain, defining the boundaries of the respective countries in the south and west, about Florida, and at thirty-one degrees of north latitude on the Mississippi, etc. (The north line of Florida.) The treaty was ratified March 3, 1796, and on May 24, 1796, Thomas Freeman was appointed surveyor, on the part of the United States, for the purpose of running the boundary line mentioned in said treaty. It thus appears that Thomas Freeman must have been a surveyor who enjoyed the confidence of his country, and had had unusual experience before he came to Indiana.¹⁸

The Spanish claim to America, the French settlement at Vincennes, how the English took it from the French, and how General Clark captured Vincennes from the English and secured the territory northwest of the Ohio River for Virginia, and finally how Virginia ceded it to the general government of the United States, are understood by practically all Americans who have read the history of their native land, but the details of the treaties with the Indians, the real owners of the land, and the first survey of the land thus obtained are not so well known.

Many of us know the fee simple title to our lands from the United States down. This article may assist us to know how the general government obtained it.

What is known as the "Vincennes Tract" seems to have had the first white title in southern Indiana. Just how this title was acquired and what was paid for it may never be known. It was held for years before the treaty of Greenville, Ohio, by white settlers and acknowledged by the Indians by that treaty to be the

¹⁷ Miscellaneous Record—Indiana, 46, State Auditor's Office. See Freeman's mention of a large cave.

¹⁸ Dillon's *History of Indiana*, 378 and 379.

property of white men. That there was a white title to the "Vincennes Tract" is evidenced by a deed dated October 18, 1775, and conveying land north and south of it to the Wabash Land Company.¹⁹

A second tract of land in southern Indiana that had been acquired by white settlers was at Clarksville, near Jeffersonville, and the "Illinois Grant," now generally known as "Clark's Grant." "Clark's Grant" was surveyed by William Clark in 1786. It was named in honor of General George Rogers Clark, the hero of Vincennes.

"In the month of July, 1779, two Piankeshaw chiefs, Tabac and Grand Cornette, by deed conveyed to George Rogers Clark a tract of land two and a half leagues square, lying on the northwestern side of the Ohio opposite the falls of that river. Virginia never confirmed this purchase, because the constitution of that state, which was formed in May, 1776, declared that no purchase of lands should be made of the Indian natives, but on behalf of the public, by the authority of the General Assembly. By an act of the 2nd of January, 1781, the General Assembly of Virginia resolved that, on certain conditions, they would cede to Congress, for the benefit of the United States, all the right, title and claim which Virginia had to the territory northwest of the river Ohio. Congress, by an act of the 13th of September, 1783, agreed to accept the cession of the territory; and the General Assembly of Virginia, on the 20th of December, 1783, passed an act authorizing their delegates in Congress to convey to the United States, the right, title and claim of Virginia to the lands northwest of the river Ohio.

"In October, 1783, the General Assembly of Virginia passed an act for laying off the town of Clarksville, at the falls of the Ohio, in the county of Illinois. The act provided that the lots, of half an acre each, should be sold at public auction for the best price that could be had. The purchasers respectively were to hold their lots subject to the condition of building on each, within three years from the day of sale, a dwelling house 'twenty feet by eighteen, at least, with a brick or stone chimney.' William Fleming, John Edwards, John Campbell, Walker Daniel, George R. Clark, Abraham Chaplin, John Montgomery, John Bailey, Robert Todd and William Clark, were, by the act of the Assembly, constituted trustees of the town of Clarksville."²⁰

On March 1, 1784, Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, delegates in Congress on the part of Virginia, executed a deed of cession by which they transferred to the

¹⁹Dillon *Historical Notes of the Northwestern Territory*, 119, 123; Dillon *History of Indiana*, 105, 402, 403. (White river was called "Blanche River" by the French.)

²⁰Dillon *Historical Notes of the Northwestern Territory*, 196, 197; *Hening's Statutes*, Volume II, pages 235-257, 309, 335-337.

United States, on certain conditions, all claim of Virginia to the country northwest of the river Ohio. Among the conditions was this one:

"That a quantity not exceeding one hundred and fifty thousand acres of land, promised by Virginia, shall be allowed and granted to the then colonel, now General George Rogers Clark, and to the officers and soldiers of his regiment, who marched with him when the posts of Kaskaskia and Vincennes were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the officers and soldiers in due proportion, according to the laws of Virginia."

This reservation was laid off on the borders of the Ohio river, adjacent to the falls, in 1786, and was then called the "Illinois Grant." Of this tract the private soldier received 200 acres, non-commissioned officer 400 acres, captain 4,000 acres.²¹

The Indians conceded "Clark's Grant" to the white men in Article IV, of the Greenville Treaty. In that treaty it is enumerated as—"First. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to General Clark for the use of himself and his warriors."²²

By a treaty made at Greenville,²³ on August 3, 1795, the United States acquired a title to the "gore" of Indiana, being that part of Indiana east of the Greenville Treaty Line, and acknowledged that the Indians held a title to certain lands west of the Greenville Treaty Line, which ran in a northerly direction from the mouth of the Kentucky river, and along the west line of Dearborn county, but in so doing, excepted: "Second. The post of St. Vincennes, on the river Wabash and the lands adjacent, of which the Indian title has been extinguished."²⁴ This intended to except the "Vincennes Tract," and in a way shows there must have been some older French and Indian treaty, as was implied in the deed to the Wabash Land Company, the copy of which was lost.

The description of the "Vincennes Tract" in the Greenville Treaty proved to be too vague, and to make it definite this "Exception No. 2" became the subject for consideration at another treaty. It seems that Thomas Freeman took the description in the Wabash Land Company's deed as a guide, and, by a survey, produced a

²¹Dillon *Historical Notes of the Northwestern Territory*, 197, 198.

²²Dillon *Historical Notes of the Northwestern Territory*, 453.

²³Dillon *Historical Notes of the Northwestern Territory*, 451.

more definite description which was used when a new treaty was made at Fort Wayne. A copy of the final treaty at Fort Wayne, June 7, 1803, follows:²⁴

"Articles of a treaty made at Fort Wayne, on the Miami of the Lake, between William Henry Harrison, governor of the Indiana territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States for concluding any treaty or treaties which may be found necessary, with any of the Indian tribes northwest of the Ohio, of the one part, and the tribes of Indians called the Delawares, Shawanees, Pattawatimas, Miamis and Kickapoos, by their chiefs and head warriors, and those of the Eel Rivers, Weas, Piankeshaws and Kaskaskias, by their agents and representatives, Tuthinipee, Winnemac, Richeville and Little Turtle, (who are properly authorized by the said tribes) of the other part.

"Art. I. *Whereas*, It is declared by the fourth article of the Treaty of Greenville, that the United States reserve for their use the post of Vincennes, and all the lands adjacent, to which the Indian titles had been extinguished. *And whereas*, It has been found difficult to determine the precise limits of the said tract as held by the French and British governments; it is hereby agreed, that the boundaries of the said tract shall be as follows: Beginning at Point Coupee, on the Wabash, and running thence by a line north seventy-eight degrees west, twelve miles, thence by a line parallel to the general course of the Wabash until it shall be intersected by a line at right angles to the same, passing through the mouth of White river, thence by the last mentioned line across the Wabash and toward the Ohio, seventy-two miles, thence by a line north twelve west [east], until it shall be intersected by a line at right angles to the same, passing through Point Coupee, and by the last mentioned line to the place of beginning.

"Art. II. The United States hereby relinquish all claim which they may have had to any lands adjoining to, or in the neighborhood of the tract above described.

"Art. III. As a mark of their regard and attachment to the United States, whom they acknowledged for their only friends and protectors, and for the consideration hereinafter mentioned, the said tribes do hereby relinquish and cede to the United States the great salt spring upon the Saline creek, which falls into the Ohio below the mouth of the Wabash, with a quantity of land surrounding it, not exceeding four miles square, and which may be laid off in a square or oblong, as the one or the other may be found most convenient to the United States; and the said United States being desirous that the Indian tribes should participate in the benefits to be derived from the said spring, hereby engage to deliver yearly, and every year, for the use of the said Indians, a quantity of salt, not exceeding one hundred and fifty bushels,

²⁴ Mss. 49062 Indiana State Library, 52.

²⁵ Mss. 49062 Indiana State Library, 57-60.

and which shall be divided among the several tribes in such manner as the general council of the chiefs may determine.

"Art. IV. For the considerations before mentioned, and for the convenience which the said tribes will themselves derive from such establishments, it is hereby agreed, that as soon as the tribes called the Kickapoos, Eel Rivers, Weas, Piankeshaws and Kaskaskias, shall give their consent to the measure, the United States shall have the right of locating three tracts of land (of such size as may be agreed upon with the last mentioned tribes) on the main road between Vincennes and Kaskaskia, and one other between Vincennes and Clarksville, for the purpose of erecting houses of entertainment, for the accommodation of travelers. But it is expressly understood, that if the said locations are made on any of the rivers which cross the said road, and ferries should be established on the same, that in times of high water any Indian or Indians, belonging to either of the tribes who are parties to the treaty, shall have the privilege of crossing such ferry toll free. [A copy of this agreement hereinafter follows.]

"Art. V. *Whereas*, there is reason to believe, that if the boundary lines of the tract described in the first article should run in the manner therein directed, that some of the settlements and locations of land, made by the citizens of the United States, will fall in the Indian country: it is hereby agreed, that such alterations shall be made in the direction of these lines, as will include them, and a quantity of land, equal in quantity to what may be thus taken, shall be given to the said tribes, either at the east or the west end of the tract.²⁶

"In testimony whereof, the commissioner of the United States, and the chiefs and warriors of the Delawares, Shawanees, Pattawatimas, Miamis and Kickapoos, and those of the Eel Rivers, Weas, Piankeshaws and Kaskaskias, by their agents and representatives, Tuthinipee, Winnemac, Richeville and the Little Turtle, who are properly authorized by the said tribes, have hereunto subscribed their names and affixed their seals, at Fort Wayne, this seventh day of June, in the year of our Lord one thousand eight hundred and three, and of the independence of the United States the twenty-seventh.

WILLIAM HENRY HARRISON. (Seal)
(Miamis.)

RICHERVILLE (his X mark). (Seal)

MESHEKUNNOGHQUOH, or Little Turtle (his X mark). (Seal)

On behalf of themselves, Eel Rivers, Weas, Piankeshaws and Kaskaskias, whom they represent.

(Kickapoos.)

NEHMEHTOHAN, or Standing (his X mark). (Seal)

PASHSEWEHAH, or Cat (his X mark). (Seal)

(Shawanees.)

NEAHMEMSIEEH (his X mark). (Seal)

²⁶For example, see Carlisle, Sullivan county. *Senate Document*, Volume 33, pages 64 and 65.

(Pattawatimas.)

TUTHINIPEE (his X mark). (Seal)

WINNEMAC (his X mark). (Seal)

On behalf of the Pattawatimas and Eel Rivers, Weas, Piankeshaws
and Kaskaskias, whom they represent.

WANNANGSEA, or Five Medals (his X mark). (Seal)

KEESAAS, or Sun (his X mark). (Seal)

(Delawares.)

TETA BUXIKE (his X mark). (Seal)

BUKONGEHELAS (his X mark). (Seal)

HOCKINGPOMSKERM (his X mark). (Seal)

KECHKAWHANUND (his X mark). (Seal)

(Shawanees.)

CUTHEWEKASAW, or Black Hook (his X mark). (Seal)

METHAWNASICE (his X mark). (Seal)

Signed, sealed and delivered in the presence of John Rice Jones,
secretary to the commissioner; John Gibson, secretary Indiana territory;
Thomas Pasteur, captain first regiment infantry; William Wells, inter-
preter; John Johnson, United States factor; Hendrick Aupaumut, chief of
Muhhecon; Thomas Freeman.

"The proceedings at the within treaty were faithfully interpreted by
us, John Gibson and William Wells; that is, for the Delawares, John
Gibson, and for the rest of the tribes, William Wells.

"JOHN GIBSON,

"WILLIAM WELLS."

The agreement mentioned in the foregoing treaty:

"At a council holden at Vincennes, on the 7th day of August, 1803,
under the direction of William Henry Harrison, governor of the Indiana
territory, at which were present the chiefs and warriors of the Eel
Rivers, Wyandott, Piankeshaw and Kaskaskia nations, and also the tribe
of the Kickapoos, by their representatives, the chiefs of the Eel River
nation.

"The fourth article of the treaty holden and concluded at Fort
Wayne, on the 7th of June, 1803, being considered, the chiefs and
warriors of the said nations give their free and full consent to the same,
and they do hereby relinquish and confirm to the United States the
privilege and right of locating three several tracts of land of one mile
square each, on the road leading from Vincennes to Kaskaskia, and also
one other tract of land one mile square on the road leading from Vin-
cennes to Clarksville. [Buffalo Trace] which locations shall be made in
such places on the aforesaid roads, as shall best comport with the con-
venience and interests of the United States in the establishment of houses
of entertainment for the accommodation of travelers.

"In witness whereof, the said William Henry Harrison, and the said
chiefs and warriors of the before mentioned nations and tribe of Indians,

have hereunto set their hands and affixed their seals, the day and year first above written.

WILLIAM HENRY HARRISON.	(Seal)
KA TUNGA, or Charly (his X mark).	(Seal)
AKA KETA, or Ploughman (his X mark).	(Seal)
GROS BLED, or Big Corn (his X mark).	(Seal)
BLACK DOG (his X mark).	(Seal)
PUPPEQNOR, or Gum (his X mark).	(Seal)
LA BOUSSIER (his X mark).	(Seal)
DUCOIGNEI (his X mark).	(Seal)
PEDAGOGUE (his X mark).	(Seal)
SACONQUANEVA, or Tired Legs (his X mark).	(Seal)
LITTLE EYES (his X mark)	(Seal)

Signed, sealed and delivered in the presence of us.

JOHN RICE JONES,

B. PARKE,

JOSEPH BARRON, Interpreter."²⁷

The McDonalds settled in Dubois county, cleared land, and built a cabin on the Vincennes and Clarksville road before this treaty was signed, and before the survey of the "Vincennes Tract," which this treaty covers, was made.

It will be noticed that the Buffalo Trace passed from near Vincennes toward Louisville, almost in the center of the tract conveyed by this treaty, thus giving a line of travel through the center of the purchase.

The Treaty of Greenville, made August 3, 1795, contained this provision:

"And whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of the treaty."²⁸

The Fort Wayne treaty is known in the American State Papers as No. 104, and was communicated to the Senate, October 31, 1803, by President Thomas Jefferson.

The possession of the Buffalo Trace was a valuable asset to the settlements in the "Vincennes Tract." With that end in view additional territory was purchased from the Indians.

On November 15, 1804, Thomas Jefferson communicated to the Senate a treaty made with the Delawares and Piankeshaws, August

²⁷Mss. 49062 Indiana State Library, 60; *American State Papers, Indian Affairs*, Volume 1, page 688.

²⁸Article III, of the Greenville treaty; Dillon *Historical Notes of the Northwestern Territory*, 451-456; Mss. 49062 Indiana State Library.

18, 1804, and also one made with the Piankeshaws, August 27, 1804. These two treaties made at Vincennes, August 18, 1804, are known as No. 105 in the American State Papers. A copy follows:³¹

"The Delaware tribe of Indians, finding that the annuity which they receive from the United States is not sufficient to supply them with the articles which are necessary for their comfort and convenience, and afford the means of introducing amongst them the arts of civilized life; and being convinced that the extensiveness of the country they possess, by giving an opportunity to their hunting parties to ramble to a great distance from their towns, is the principal means of retarding this desirable event; and the United States being desirous to connect their settlements on the Wabash with the state of Kentucky:

"Therefore, the United States, by William Henry Harrison, governor of the Indiana territory, and the said tribe of Indians, by their sachems, chiefs and head warriors, have agreed to the following articles, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on the said parties.

"Art. I. The said Delaware tribe, for the considerations hereinafter mentioned, relinquishes to the United States, forever, all their rights and title to the tract of country which lies between the Ohio and Wabash rivers, and below the tract ceded by the Treaty of Fort Wayne, [Vincennes Tract] and the road leading from Vincennes to the falls of Ohio.

"Art. II. The said tribe shall receive from the United States, for ten years, an additional annuity of three hundred dollars, which is to be exclusively appropriated to the purpose of ameliorating their condition, and promoting their civilization. Suitable persons shall be employed at the expense of the United States, to teach them to make fences, cultivate the earth, and such of the domestic arts as are adapted to their situation; and a further sum of three hundred dollars shall be appropriated, annually, for five years, to this object. The United States will cause to be delivered to them, in the course of the next spring, horses fit for draught, cattle, hogs and implements of husbandry, to the amount of four hundred dollars. The preceding stipulations, together with goods to the amount of eight hundred dollars, which is now delivered to the said tribe (a part of which is to be appropriated to the satisfying certain individuals of the said tribe, whose horses have been taken by white people) is to be considered as full compensation for the relinquishment made in the first article.

"Art. III. As there is great reason to believe that there are now in the possession of the said tribe several horses, which have been stolen from citizens of the United States, the chiefs who represent the said tribe are to use their utmost endeavor to have the said horses forthwith delivered to the Superintendent of Indian Affairs, or such persons as he may appoint to receive them. And, as the United States can place the utmost reliance on the honor and integrity of those chiefs who have mani-

³¹*Indian Affairs*, I, 689, 690.

festated a punctilious regard to the engagements entered into at the Treaty of Greenville, it is agreed that, in relation to such of the horses stolen as aforesaid, but which have died or been removed beyond the reach of the chiefs, the United States will compensate the owners for the loss of them, without deducting from the annuity of the said tribe the amount of what may be paid in this way. But it is expressly understood that this provision is not to extend to any horses which have been stolen within the course of twelve months preceding the date hereof.

"Art. IV. The said tribe having exhibited to the above-named commissioner of the United States, sufficient proof of their right to all the country which lies between the Ohio and White river; and the Miami tribe, who were the original proprietors of the upper part of that country, having explicitly acknowledged the title of the Delawares, at the general council held at Fort Wayne, in the month of June, 1803, the said United States will, in future, consider the Delawares as the rightful owners of all the country which is bounded by the White river, on the north, the Ohio on the south, the general boundary line running from the mouth of the Kentucky river, on the east, and the tract ceded by this treaty and that ceded by the Treaty of Fort Wayne, on the west and southwest.

"Art. V. As the Piankeshaw tribe have hitherto obstinately persisted in refusing to recognize the title of the Delawares to the tract of country ceded by this treaty, the United States will negotiate with them, and will endeavor to settle the matter in an amicable way; but, should they reject the propositions that may be made to them on this subject, and should the United States not think proper to take possession of the said country without their consent, the stipulations and promises herein made, on behalf of the United States, shall be null and void.

"Art. VI. As the road from Vincennes to Clark's grant will form a very inconvenient boundary, and as it is the intention of the parties to these presents, that the whole of the said road shall be within the tract ceded to the United States, it is agreed, that the boundary in that quarter, shall be a straight line, to be drawn parallel to the course of the said road, from the eastern boundary of the tract ceded by the treaty of Fort Wayne, to Clark's grant, but the said line is not to pass at a greater distance than half a mile from the most northerly bend of said road.

"In witness whereof, the commissioner plenipotentiary of the United States, and the chiefs and head-men of the said tribe, have hereunto set their hands and affixed their seals.

"Done at Vincennes, August 18, 1804, and of the independence of the United States the twenty-ninth.³²

WILLIAM H. HARRISON.	(Seal)
TETA BUXICA (his X mark).	(Seal)
BOKONGEHELAS (his X mark).	(Seal)
ALIMEE, or Geo. White Eyes (his X mark)	(Seal)
HOCKING POMSKANN (his X mark)	(Seal)
TOMAGUEE, or the Beaver (his X mark)	(Seal)

³² *American State Papers, Indian Affairs*, II, 689, 690; *Senate Documents*, Vol. 39, 70-72.

"Signed, sealed, and delivered in the presence of John Gibson, secretary to the commissioner; Henry Vanderburg, judge of Indiana territory; Vigo, colonel of Knox county, L. T. Militia; B. Parke, attorney-general of the Indiana Territory; John Rice Jones, of Indiana territory; Robert Buntin, prothonotary of Knox county, Indiana territory; Geo. Wallace, Jr., of Indiana territory; Antonine Marchel, of I. T.; Joseph Barron, interpreter; Edward Hempstead, attorney at law.

"I hereby certify that each and every article of the foregoing treaty was carefully explained and precisely interpreted by me, to the Delaware chiefs, who have signed the same.

JOHN GIBSON."

The Piankeshaw Treaty, which is really a continuation of the foregoing, follows:

"A treaty between the United States of America and the Piankeshaw tribe of Indians, concluded at Vincennes, August 24, 1804.

"The President of the United States, by William Henry Harrison, Governor of the Indiana territory, and the chiefs and head-men of the Piankeshaw tribe, have agreed to the following articles; which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding upon the said parties.

"Article I. The Piankeshaw tribe relinquishes and cedes to the United States forever, all that tract of country which lies between the Ohio and the Wabash rivers, and below 'Clark's Grant' and the tract called the 'Vincennes Tract,' which was ceded by the Treaty of Fort Wayne, and a line connecting the said tract and grant, to be drawn parallel to the general course of the road leading from Vincennes to the Falls of the Ohio, so as not to pass more than half a mile to the northward of the most northerly bend of the said road.

"Art. II. The Piankeshaw tribe acknowledges explicitly the right of the Kaskaskia tribe to sell the country which they have lately ceded to the United States, and which is separated from the lands of the Piankeshaws by the ridge of highland which divides the waters of the Wabash from the waters of the Saline creek; and by that which divides the waters of the said Wabash from those which flow into the Au-Vase and other branches of the Mississippi.

"Art. III. An additional annuity, of two hundred dollars, shall be paid by the United States to the said tribe, for ten years, in money, merchandise, provisions, or domestic animals, and implements of husbandry, at the option of the said tribe; and this annuity, together with goods to the value of seven hundred dollars, which are now delivered to them by the commissioner of the United States, is considered as a full compensation for the above mentioned relinquishment.

"Art. IV. The United States reserves to themselves the right of dividing the whole annuity, which they pay to the said tribe, amongst the families which compose the same; allowing, always, a due proportion for the chiefs. And the said chiefs, whenever the President of the United

States may require it, shall, upon proper notice being given, assemble their tribe for the purpose of effecting this arrangement.

"In witness whereof, the commissioner plenipotentiary of the United States, and the chiefs and head-men of the said tribe, have hereunto set their hands and affixed their seals.

"Done at Vincennes, in the Indiana territory, August 27, 1804, and of the independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON (Seal)

WABOCHQUINKE, LaGros Bled, or Big Corn (his X mark) (Seal)

SWOKANIA, Trois Fesse, or Three Thighs (his X mark) (Seal)

MAKATEWELAMA, Chien Noir, or Black Dog (his X mark) (Seal)

ALEMOIN, LeChien, or the Dog (his X mark) (Seal)

KEKELANQUAGOH, or Lightning (his X mark) (Seal)

"Signed, sealed, and delivered, in the presence of John Gibson, secretary to the commissioner; John Griffin, one of the judges of the Ty. of Indiana; Henry Vanderburg, one of the judges of the Indiana Territory; B. Parke, attorney general of the Ty. of Indiana; William Prince, sheriff of Knox county, Indiana territory; George Wallace, jun., of the Indiana territory; Peter Jones, of Knox county, Indiana territory; Edward Hempstead, attorney at law, Indiana territory; Abraham F. Snapp; Joseph Barron, interpreter.

"I do hereby certify that each and every article of the foregoing treaty was carefully explained and precisely interpreted, by me, to the Piankeshaw chiefs who have signed the same.

JOSEPH BARRON, Interpreter."³³

There was an Indian trail leading from Cincinnati that joined the Buffalo Trace near French Lick in the "Vincennes Tract." If the territory through which it passed were acquired it would open up a line of travel between Cincinnati and Vincennes, and entirely shut off the Indians from the Ohio river. That was accomplished by the Treaty of Grouseland.

It is but a small flight of the imagination to say that the Buffalo Trace from Vincennes to Clarksville, or Louisville, was a great religious highway to the Indian, for when French white men came to Vincennes, they found Indians there worshipping the buffalo as their Manitou, or Great Spirit.³⁴ The Buffalo Trace was a great factor in the settlement of southern Indiana, and the possession of this road and the trail from the Whitewater country early attracted the attention of General Harrison, who therefore negotiated the Treaty of Grouseland, August 21, 1805. (near Vincennes):

"Articles of a treaty made and entered into, at Grouseland, near Vin-

³³ *American State Papers, Indian Affairs*, II, 690; *Senate Documents*, Volume 39, pages 72, 73.

³⁴ Dillon *Historical Notes of the Northwestern Territory*, 31, 32.

cennes, in the Indiana territory, by and between William Henry Harrison, governor of said territory, and the tribes of Indians called the Delawares, Pattawatimas, Miamis, Eel Rivers, and Weas, jointly and severally, by their chiefs and head-men, of the other part.

"Art. I. Whereas, by the fourth article of a treaty made between the United States and the Delaware tribe, on August 18, 1804, the said United States engaged to consider the said Delawares as the proprietors of all that tract of country which is bounded by the White river on the north, the Ohio and Clark's grant on the south, the general boundary line running from the mouth of Kentucky river on the east, and the tract ceded by the treaty of Fort Wayne and the road leading to Clark's grant on the west and southwest. And whereas the Miami tribe, from whom the Delawares derived their claim, contend that, in their cession of said tract to the Delawares, it was never their intention to convey to them the right of the soil, but to suffer them to occupy it as long as they thought proper, the said Delawares have, for the sake of peace and good neighborhood, determined to relinquish their claim to the said tract, and do, by these presents, release the United States from the guarantee made in the before-mentioned article of the treaty of August, 1804.

"Art. II. The said Miami, Eel River, and Wea tribes, cede and relinquish to the United States, forever, all that tract of country which lies to the south of a line to be drawn from the northeast corner of the tract ceded by the treaty of Fort Wayne, so as to strike the general boundary line, running from a point opposite to the mouth of the Kentucky river to Fort Recovery, at the distance of fifty miles from its commencement on the Ohio river.

"Art. III. In consideration of the cession made in the preceding article, the United States will give an additional permanent annuity to said Miamis, Eel Rivers, and Wea tribes, in the following proportions, viz: to the Miamis, six hundred dollars; to the Eel River tribe, two hundred and fifty dollars; to the Weas, two hundred and fifty dollars; and also to the Pattawatimas, an additional annuity of five hundred dollars, for ten years, and no longer; which, together with the sum of four thousand dollars, which is now delivered, the receipt whereof they do hereby acknowledge, is to be considered as a full compensation for the land now ceded.

"Art. IV. As the tribes which are now called the Miamis, Eel Rivers, and Weas, were formerly, and still considered themselves as one nation, and as they have determined that neither of those tribes shall dispose of any part of the country which they hold in common; in order to quiet their minds on that head, the United States do hereby engage to consider them as joint owners of all the country on the Wabash and its waters, above the Vincennes Tract, and which has not been ceded to the United States by this or any former treaty; and they do further engage, that they will not purchase any part of the said country, without the consent of each of the said tribes; provided always, that nothing in this section contained, shall in any manner weaken or destroy any claim which the Kickapoos, who are not represented at this treaty, may have to the country they now occupy on the Vermilion river.

"Art. V. The Pattawatimas, Miami, Eel River and Wea tribes, explicitly acknowledge the right of the Delawares to sell the tract of land conveyed to the United States by the treaty of August 18, 1804, which tract was given by the Piankeshaws to the Delawares about thirty-seven years ago.

"Art. VI. The annuities herein stipulated to be paid by the United States, shall be delivered in the same manner, and under the same conditions, as those which the tribes have heretofore received.

"Art. VII. This treaty shall be in force and obligatory on the contracting parties, as soon as the same shall have been ratified by the President, by and with the advice and consent of the Senate of the United States.

"In testimony whereof, the said commissioner plenipotentiary of the United States and the sachems, chiefs, and head-men of the said tribes, have hereunto set their hands and affixed their seals.

"Done at Grouseland, near Vincennes. August 21, 1805, and of the independence of the United States the thirtieth.

WILLIAM HENRY HARRISON	L.S.
Delawares	
HOCKING POMSKAN (his X mark)	L.S.
KOCKLAHENUND, or William Anderson (his X mark)	L.S.
ALLIME, or White Eyes (his X mark)	L.S.
TOMAGUE, or Beaver (his X mark)	L.S.
Pattawatimas	
TOPANEPEE (his X mark)	L.S.
LISHAHECON (his X mark)	L.S.
WENAMECH (his X mark)	L.S.
Miamis	
KAKONWECONNER, or Long Legs (his X mark)	L.S.
MISSINGGUIMSCHAN, or Owl (his X mark)	L.S.
WABSIER, or White Skin (his X mark)	L.S.
MASHEKANOCQUAH, or Little Turtle (his X mark)	L.S.
RICHARDVILLE (his X mark)	L.S.
Eel Rivers	
WAIONECANA, or Night Stander (his X mark)	L.S.
METANSAUNER, or Sam (his X mark)	L.S.
ARCHEKATAUH, or Earth (his X mark)	L.S.
Weas	
ASSONNONQUAH, or Labossiere (his X mark)	L.S.
MISQUACONAQUA, or Painted Pole (his X mark)	L.S.
CHEQUANAH, or Little Eyes (his X mark)	L.S.
MISSENEWAND, or Captain Bullet (his X mark)	L.S.
Delawares	

Done in the presence of B. Parke, secretary to the commissioner; John Gibson, secretary Indiana territory; John Griffin, a judge of the Indiana territory; B. Chambers, president of the council; Jesse B. Thomas, speaker of the House of Representatives; John Rice Jones, Saml. Gwathmey, Pierre

Menard, members of the Legislative council, Indiana Territory; Davis Floyd, Shadrach Bond, William Biggs, John Johnson, members of the House of Representatives, Indiana territory; W. Wells, agent of Indian affairs; Vigo, colonel of Knox county militia.

JOHN CONNER,
JOSEPH BARRON,
Sworn Interpreters."

"Additional Article. It is the intention of the contracting parties, that the boundary line herein directed to be run, from the northeast corner of the 'Vincennes Tract' [Orleans corner] to the boundary line running from the mouth of the Kentucky river, shall not cross the Embarrass or Driftwood fork of White river; but if it should strike the said fork, such an alteration in the direction of the said line is to be made as will leave the whole of the said fork in the Indian territory."

The white settlers in the "Vincennes Tract" and in the "gore" of Indiana, near Brookville, felt the Indian territory lines were too near them, so additional land, was purchased from the Indians, as evidenced by another Fort Wayne treaty under date of September 30, 1809, which brings us up to the "New Purchase," and to the end of our task, for it was nine years before other Indian treaties occurred embracing land near southern Indiana.

"A treaty between the United States of America, and the tribes of Indians called the Delawares, Pattawatimas, Miamis, and Eel River Miamis,³⁶

"James Madison, president of the United States, by William Henry Harrison, governor and commander in chief of the Indiana territory, and the sachems, head-men, and warriors, of the Delaware, Pattawatima, Miami, and Eel River tribes of Indians, have agreed and concluded upon the following treaty: which when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on said parties.

"Art. I. The Miami and Eel River tribes, and the Delaware and Pattawatimas, as their allies, agree to cede to the United States all that tract of country which shall be included between the boundary line established by the treaty of Fort Wayne, the Wabash, and a line to be drawn from the mouth of a creek called Raccoon creek [near Montezuma], emptying into the Wabash, on the southeast side, about twelve miles below the mouth of the Vermilion river, so as to strike the boundary line established by the treaty of Grouseland, at such a distance from its commencement, at the northeast corner of the 'Vincennes Tract,' as will leave the tract now ceded thirty miles wide at the narrowest place. And also all that

³⁵Mss. No. 49062 Indiana State Library, 63, 64, 65; *Senate Documents*, Volume 39, page 104.

³⁶Mss. No. 49062 Indiana State Library, 71-74.

tract which shall be included between the following boundaries, viz: beginning at Fort Recovery, thence southwardly along the general boundary line established by the treaty of Greenville, to its intersection with the boundary line established by the treaty of Grouseland; thence along said line to a point, from which a line drawn parallel to the first mentioned line, will be twelve miles distant from the same, and along the said parallel line to its intersection with a line to be drawn from Fort Recovery, parallel to the line established by the said treaty of Grouseland.

"Art. II. The Miamis explicitly acknowledge the equal right of the Delawares with themselves to the country watered by the White river. But it is also to be clearly understood, that neither party shall have the right of disposing of the same without the consent of the others; and any improvements which shall be made on the said land by the Delawares, or their friends, the Mochecans, shall be theirs forever.

"Art. III. The compensation to be given for the cession made in the first article, shall be as follows, viz: to the Delawares, a permanent annuity of five hundred dollars; to the Miamis, a like annuity of five hundred dollars; to the Eel River tribe, a like annuity of two hundred and fifty dollars; and to the Pattawatimas, a like annuity of five hundred dollars.

"Art. IV. All the stipulations made in the treaty of Greenville, relative to the manner of paying the annuities, and the right of the Indians to hunt upon the land, shall apply to the annuities granted, and the land ceded, by the present treaty.

"Art. V. The consent of the Wea tribe shall be necessary to complete the title to the first tract of land here ceded; a separate convention shall be entered into between them and the United States, and a reasonable allowance of goods given them in hand, and a permanent annuity, which shall not be less than three hundred dollars, settled upon them.

"Art. VI. The annuities promised by the third article, and the goods now delivered to the amount of five thousand two hundred dollars, shall be considered as a full compensation for the cession made in the first article.

"Art. VII. The tribes who are parties to this treaty, being desirous of putting an end to the depredations which are committed by abandoned individuals of their own color, upon the cattle, horses, etc., of the more industrious and careful, agree to adopt the following regulations, viz: when any theft or other depredations shall be committed by any individual or individuals of one of the tribes above mentioned, upon the property of any individual or individuals of another tribe, the chiefs of the party injured shall make application to the agent of the United States, who is charged with the delivery of the annuities of the tribe to which the offending party belongs, whose duty it shall be to hear the proofs and allegations on either side, and determine between them; and the amount of his award shall be immediately deducted from the annuity of the tribe to which the offending party belongs, and given to the person injured, or to the chief of his village for his use.

"Art. VIII. The United States agree to relinquish their rights to the reserve, at the old Ouroctenon towns, made by the treaty of Greenville, so far, at least, as to make no further use of it than for the establishment of a military post.

"Art. IX. The tribes who are parties to this treaty, being desirous to show their attachment to their brothers the Kickapoos, agree to cede to the United States the land on the northwest side of the Wabash, from the Vincennes tract to a northwardly extension of the line running from the mouth of the aforesaid Racoon creek, and fifteen miles in width from the Wabash, on condition that the United States shall allow them an annuity of four hundred dollars. But this article is to have no effect unless the Kickapoos will agree to it.

"In testimony whereof, the said William Henry Harrison, and the sachems and war chiefs of the before-mentioned tribes, have hereunto set their hands and affixed their seals, at Fort Wayne, this thirtieth of September, eighteen hundred and nine.

WILLIAM HENRY HARRISON L.S.

Delawares

ANDERSON, for Hockingpomskon, who is absent (his X mark) L.S.

ANDERSON (his X mark) L.S.

PETCHEKEKAPON (his X mark) L.S.

THE BEAVER (his X mark) L.S.

CAPTAIN KILLBUCK (his X mark) L.S.

Pattawatimas

WINEMAC (his X mark) L.S.

FIVE MEDALS, by his son (his X mark) L.S.

MOGAWGO (his X mark) L.S.

SHISSAHECON, for himself and his brother Tuthinipee (his X mark) L.S.

OSSMEET, brother to Five Medals (his X mark) L.S.

NANOUSEKAH, Penamo's son (his X mark) L.S.

MOSSER (his X mark) L.S.

CHEQUINIMO (his X mark) L.S.

SACHANACKSHUT (his X mark) L.S.

CONENGEE (his X mark) L.S.

Miamis

PUCAN (his X mark) L.S.

THE OWL (his X mark) L.S.

MESHEKENOGHQUA, or the Little Turtle (his X mark) L.S.

WAPEMANGUA, or the Loon (his X mark) L.S.

SILVER HEELS (his X mark) L.S.

SHAWAPENOMO (his X mark) L.S.

El Rivers.³⁷

CHARLEY (his X mark) L.S.

SHESHANGOMEQUAH, or Swallow (his X mark) L.S.

THE YOUNG WYANDOT, a Miami of Elkhart (his X mark) L.S.

In the presence of Peter Jones, secretary to the commissioner; John

³⁷Dillon *History of Indiana*, 535-538.

Johnson, Indian agent; A. Heald, capt. the United States' army; A. Edwards, surgeon's mate; Ph. Ostrander, lieut. United States' army; John Shaw; Stephen Johuson; J. Hamilton, Sheriff of Dearborn county; Hendrick Aupamut.

WILLIAM WELLS,
JOHN CONNER,
JOSEPH BARRON,
ABRAHAM ASH,
Sworn Interpreters."³⁸

A separate article, bearing upon the foregoing treaty, reads as follows:

"A separate Article. entered into at Fort Wayne, September 30, 1809. between William Henry Harrison, and the sachems and chief warriors of the Miami and Eel River tribes of Indians, which is to be considered as forming part of the treaty this day concluded, between the United States. and the said tribes, and their allies, the Delawares and Pattawatimas.

"As the greater part of the lands, ceded to the United States, by the treaty, this day concluded, was the exclusive property of the Miami nation, and guaranteed to them by the treaty of Grouseland, it is considered by the said commissioner just and reasonable that their request to be allowed some further and additional compensation should be complied with. It is, therefore, agreed, that the United States shall deliver, for their use, in the course of the next spring, at Fort Wayne, domestic animals to the amount of five hundred dollars, and the like number for the two following years; and that an armory shall be also maintained at Fort Wayne, for the use of the Indians, as heretofore: it is also agreed that, if the Kickapoos confirm the ninth article of the treaty to which this is a supplement, the United States will allow to the Miamis a further permanent annuity of two hundred dollars, and to the Wea and Eel River tribes, a further annuity of one hundred dollars each.

"In testimony whereof, the said William Henry Harrison, and the sachems and war chiefs of the said tribes, have hereunto set their hands, and affixed their seals the day and place above mentioned.

[Here follow the signatures.]³⁹

An endorsement of the foregoing treaty reads as follows, dated at Vincennes October 26, 1809:

"A Convention entered into at Vincennes, in the Indiana territory, between William Henry Harrison, Commissioner Plenipotentiary of the United States for treating with the Indian tribes, northwest of the Ohio, and the Wea tribe.

"The said tribe, by their sachems and head warriors, hereby declare their full and free consent to the treaty concluded at Fort Wayne, on the

³⁸Mss. No. 49062 Indiana State Library, 71-74; *Senate Documents*, Volume 39, pages 101 and 102; *American State Papers*, II, *Indian Affairs*, 761.

³⁹Mss. No. 49062, Indiana State Library, 74, 75; *American State Papers*, II, *Affairs*, 761-762; *Senate Documents*, Volume 39, 103.

thirtieth ultimo, by the above mentioned commissioner, with the Delaware, Miami, Pattawatima, and Eel River tribes, and also, to the separate article entered into on the same day with the Miami and Eel River tribes; and the said commissioner on the part of the United States, agrees to allow the said tribe an additional annuity of three hundred dollars, and a present sum of fifteen hundred dollars, in consideration of the relinquishment made in the first article of said treaty; and a further permanent annuity of one hundred dollars, as soon as the Kickapoos can be brought to give their consent to the ninth article of said treaty.⁴⁰

[Then follow the usual signatures.]

In the following treaty the Kickapoos gave their formal consent to the Treaty of Fort Wayne:

"William Henry Harrison, Governor of the Indiana territory, and the sachems and war chiefs of the Kickapoo tribe, on the part of the said tribe, have agreed to the following articles, which, when ratified by the President, by and with the advice of the Senate shall be binding on said parties.

"Art. I. The ninth article of the treaty concluded at Fort Wayne, on the thirtieth of September last, and the cession it contains, is hereby, agreed to by the Kickapoos, and a permanent additional annuity of four hundred dollars, and goods to the amount of eight hundred dollars, now delivered, is to be considered as a full compensation for the said cession.

"Art. II. The said tribe further agrees to cede to the United States, all that tract of land which lies between the tract above ceded, the Wabash, the Vermilion river, and a line to be drawn from the north corner of the said ceded tract, so as to strike the Vermilion river, at the distance of twenty miles, in a direct line from its mouth. For this cession, a further annuity of one hundred dollars, and the sum of seven hundred dollars, in goods, now delivered, is considered as a full compensation. But, if the Miamis should not be willing to sanction the latter cession, and the United States should not think proper to take possession of the land without their consent, they shall be released from the obligation to pay the additional annuity of one hundred dollars.

"Art. III. The stipulations contained in the treaty of Greenville, relative to the manner of paying the annuity, and of the right of the Indians to hunt upon the land, shall apply to the annuity granted and the land ceded by the present treaty.⁴¹

[The signatures follow.]

All the treaties mentioned in this article were ratified by the United States Senate. In transmitting this treaty first before mentioned, General Harrison called attention to the fact that the

⁴⁰ *American State Papers, Indian Affairs*, II, 762; *Senate Documents*, Volume 39, page 104; Mss. No. 49062 Indiana State Library, 259.

⁴¹ Mss. No. 49062 Indiana State Library, 262; *American State Papers, Indian Affairs*, II, 762-763; *Senate Documents*, No. 39, pages 104 and 105.

Kickapoos had consented to the Treaty of Fort Wayne, September 30, 1809, and also consented to a cession northwest of the Wabash, as high up as the Vermilion river. On December 10, 1809, he wrote:

"This small tract (of about twenty miles square) is one of the most beautiful that can be conceived, and is, moreover, believed to contain a very rich copper mine. I have myself, frequently seen specimens of the copper, one of which I sent to Mr. Jefferson, in 1802. The Indians were so extremely jealous of any search being made for this mine that the traders were always cautioned not to approach the hills, which are supposed to contain the mine."⁴²

It appears that the Indians had large road belts to guide them in the making of these treaties, and in showing the treaty lines.⁴³

The student of the foregoing treaties will observe that the Indians received better pay for the land they ceded in the treaty of September 30, 1809, than they did for any other sale while Indiana was a territory. He will also observe that there was a tendency of each tribe to recognize the right of some other tribe to a quasi title to the land ceded. He will further observe that General Harrison usually stipulated that a compensation would be paid the Indians who signed, when the other tribes agreed to the treaty, etc.

The Indians began to see themselves losing the land, and the tribes in the central and northern part of Indiana began to see white men to the south of them, where once roamed warriors of their own color. The government surveyor, who immediately entered the land after the treaties were signed, began to divide the forests into sections ready for the land offices and settlers. Two hundred and fifty thousand forest trees bearing the marks of the surveyors, tokens of advancing civilization, told the Indians, in a manner not to be misunderstood, that the days of the forest were numbered, and that their possessions were passing away.

Tecumseh was an Indian statesman, in addition to being a warrior. He contended that the Indians held their land in common, and that no one tribe or family could properly convey a part of the Indian territory to the whites. He endeavored to have the Indians unite and to consider their lands as the common property of the whole. He accused General Harrison of taking tribes aside, and advising them not to unite or enter into Tecumseh's Confed-

⁴²*American State Papers, Indian Affairs, II, 762.*

⁴³*Dillon Historical Notes of the Northwestern Territory, 393-396.*

eracy. Tecumseh was particularly severe in his address to General Harrison on August 20, 1810.⁴⁴ The sale of land made at the Treaty of Fort Wayne in 1809 by certain tribes brought forth a remonstrance from Tecumseh, and in time, the dissatisfaction among the Indian warriors caused by the treaties enumerated in this article led to the battle of Tippecanoe, in 1811.

That part of these Indian treaty tracts in which Dubois county can claim a particular interest is the original "Vincennes Tract," and the tract first bought after the Greenville Treaty and which lies immediately south of the "Vincennes Tract." The treaty line is known as the Freeman Line. It enters Dubois county about two and one-fourth miles north of the southwest corner of the county, runs south 78 degrees east [1802], and leaves the county a mile west of the southeast corner of Cass township. The line runs through Dubois county a distance of 7.35 miles, and covers a meridian distance of seven miles. The land north of this line is said to have been sold by Indians at a council at Vincennes, in 1742. This sale was reaffirmed at the Treaty of Greenville, Ohio, in 1795, and again by the treaty of Fort Wayne in 1803. That part south of the line was sold by the Indians, at the Treaty of Vincennes, in 1804. It is said Vincennes became an Indian trading post in 1690, and a French military post, commanded by Francis Morgan DeVincennes under King Charles XIV, in 1702.⁴⁵ Thus we see, the French were at Vincennes one hundred years before Freeman surveyed this line through Dubois county, as indicating the boundary of the territory the French had obtained from the Indians, by treaty, the documentary evidence of which seems to have been lost. The exact location of this Freeman Line with reference to section corners is shown by the plat herewith.

⁴⁴ Dillon *History of Indiana*, 431, 442-447, 454, 455, 473.

⁴⁵Governor Ralston's "Centennial Letter," 1915. Dillon *Historical Notes of the Northwestern Territory*, 100-101.